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2 **So Ordered.**



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*Patricia C. Williams*  
Patricia C. Williams  
Bankruptcy Judge

**Dated: August 20th, 2013**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In re:

DC No. 11-CV-357-RMP

LLS AMERICA, LLC,

Case No. 09-06194-PCW11

Debtor(s).

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America, LLC,

Adversary No. 11-80299-PCW11

Plaintiff(s),

vs.

MARK BIGELOW, et al.,

REPORT AND RECOMMENDATION  
RE: PLAINTIFF'S MOTION FOR  
ENTRY OF DEFAULT JUDGMENT  
AGAINST DEFENDANTS DAVID  
MARSHALL WOOD AND AMANDA  
WOOD (ECF NO. 466)

Defendant(s).

The Honorable Patricia C. Williams, sitting in the United States Bankruptcy Court for the Eastern District of Washington, hereby files this Report and Recommendation regarding plaintiff's Motion for Entry of Default Judgment Against Defendants David Marshall Wood and Amanda Wood (ECF No. 466) filed with the bankruptcy court in this adversary proceeding.

1        This Report and Recommendation is made pursuant to the Honorable Rosanna  
2 Malouf Peterson's Order Withdrawing the Reference and Referring to Bankruptcy  
3 Court for Further Proceedings entered on April 25, 2012 (ECF No. 28) in district court  
4 case No. 11-CV-357-RMP.

5        The recommendation is that plaintiff's Motion for Entry of Default Judgment  
6 Against Defendants David Marshall Wood and Amanda Wood (ECF No. 466) be  
7 granted and the attached Default Judgment be entered in this adversary proceeding.  
8 The basis for this recommendation is that an Order of Default was entered by the  
9 bankruptcy court on July 17, 2013 (ECF No. 412).

10                    ///END OF REPORT AND RECOMMENDATION///

Shelley N. Ripley, WSBA No. 28901  
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Attorneys to Bruce P. Kriegman, Chapter 11 Trustee

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

In Re:

LLS AMERICA, LLC,

Debtor.

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America LLC,

Plaintiff,

v.

MARK BIGELOW, et al.,

Defendants.

US District Case No. 11-CV-357-RMP

Bankruptcy No. 09-06194-PCW11

Adversary No. 11-80299-PCW 11

**DEFAULT JUDGMENT AGAINST  
DEFENDANTS DAVID MARSHALL  
WOOD AND AMANDA WOOD**

**JUDGMENT SUMMARY**

Judgment Creditor: Bruce P. Kriegman, solely in his capacity as the  
Liquidating Trustee under the Confirmed Plan of  
the Debtor

Attorneys for Judgment Creditor: Witherspoon Kelley

DEFAULT JUDGMENT- 1

{S0746519; 1 }



**WITHERSPOON • KELLEY**

Attorneys & Counselors

422 W. Riverside Avenue, Suite 1100 Phone: 509.624.5265  
Spokane, Washington 99201-0300 Fax: 509.458.2728

Judgment Debtor: David Marshall Wood and Amanda Wood

Principal Amount of Judgment: \$93,834.68 CAD  
\$ 250.00 US

Interest on Judgment: Weekly Average of One-Year Constant Maturity (nominal) treasury yield as published by the Federal Reserve System (28 USC § 1961)

This Court having previously entered an Order of Default against Defendants David Marshall Wood and Amanda Wood (Adv. Doc. No. 412), and having reviewed the previously filed Memorandum of Authorities (Adv. Doc. No. 368) and Affidavit of Curtis Frye (Adv. Doc. No. 369), and the Affidavit of Shelley N. Ripley in Support of Plaintiff's Motion for Default Judgment filed herewith, and being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC, shall have a judgment against the Defendants David Marshall Wood and Amanda Wood, as follows:

1. Monetary Judgment in the amount of CAD \$93,834.86, pursuant to 11 U.S.C. § 550 and RCW 19.40.071;

2. Transfers in the amount of CAD \$93834.86 made to the Defendants within four years prior to the Petition Filing Date are hereby avoided and Plaintiff

1 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,  
2 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

3 3. All said transfers to Defendants David Marshall Wood and Amanda  
4 Wood are hereby set aside and Plaintiff shall be entitled to recover the same, or  
5 the value thereof, from Defendants David Marshall Wood and Amanda Wood for  
6 the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550 and  
7 551;  
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10 4. All proofs of claim of the Defendants which have been filed or  
11 brought or which may hereafter be filed or brought by, on behalf of, or for the  
12 benefit of Defendants David Marshall Wood and Amanda Wood or their affiliated  
13 entities, against the Debtor's estate, in this bankruptcy or related bankruptcy  
14 proceedings, are hereby disallowed and subordinated to the monetary judgment  
15 granted herein and Defendants David Marshall Wood and Amanda Wood shall  
16 not be entitled to collect on their proof of claim (Claim No. 654-1) until the  
17 monetary judgment is satisfied by Defendants David Marshall Wood and Amanda  
18 Wood in full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and 105(a);  
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22 5. A constructive trust is hereby established over the proceeds of all  
23 transfers in favor of the Trustee for the benefit of the estate of LLS America; and  
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6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00 USD, for a total judgment of CAD \$93,834.86, plus \$250 USD, which shall bear interest equal to the weekly average of one-year constant maturity (nominal) treasury yield as published by the Federal Reserve System.

Entered this \_\_\_\_ day of \_\_\_\_\_, 2013.

HONORABLE ROSANNA PETERSON

*Presented by:*

WITHERSPOON • KELLEY

s/ Shelley N. Ripley  
Shelley N. Ripley, WSBA No. 28901  
Daniel J. Gibbons, WSBA No. 33036  
Attorneys for Bruce Kriegman, Chapter 11 Trustee